

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER
WEDNESDAY, OCTOBER 1, 2008, 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl	Jim Siepmann	Bob Peregrine
	Walter Kolb	Gary Goodchild	Bill Mitchell
	Bonnie Morris		

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
Atty. Debbie Price, Asst. Corporation Counsel
Amy Barrows, Senior Land Use Specialist
Jason Fruth, Senior Planner
Elfriede Sprague, Clerk III

Guests Present: Gary Lake, Town of Brookfield Building Inspector
Fritz Ruf, County Board Supervisor

CORRESPONDENCE:

None

MEETING APPROVAL:

None

MINUTES:

None

PUBLIC COMMENT

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? With no public comment, she moved to the next item on the agenda.

• **ZT-1682 (Text Amendment) Town of Brookfield**

Mr. Mace presented the "Staff Report and Recommendation" dated October 1, 2008, and made a part of these Minutes. He stated the request is to amend Section 17.08 of the Town of Brookfield Zoning Code regarding signs.

Mr. Gary Lake, Town of Brookfield Building Inspector, stated the Town's sign ordinance has not been updated in about 15 years. The intent of the proposed updates was to provide a more consistent ascetic look, given the proximity to the surrounding communities and how different the Town's ordinance was with their Ordinances. This ordinance contains more contemporary standards for sign height and area and it cleans up several loose ends, such as the illumination of flagpoles, whereas this was prohibited in the old ordinance. The Town also had discussion regarding legal non-conforming sign status and the expense of replacing them. The previous language regarding legal non-conforming signs stated they be

removed within seven years of the old ordinance's adoption (1993). Since then, there have been several court rulings stating this cannot be required if the sign still has economic value. Electronically changeable copy signs, which were previously prohibited, may now be permitted as a conditional use, requiring a public hearing. Temporary signage such as banners, flags, balloons, search lights, etc., may be allowed subject to Building Inspector approval. Mrs. Haukohl asked how this ordinance compares to the City of Brookfield's? Mr. Lake replied it is slightly more restrictive. Mr. Mace commented the ordinance was well drafted and may serve as a model when the County updates their sign ordinance.

After discussion, Mrs. Morris moved, seconded by Mr. Kolb and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".

• **ZT-1680 (Adopt the 2008 FEMA Flood Insurance Rate Maps, Amend Official Zoning Maps Accordingly and Amend the Text of the Waukesha County Shoreland and Floodland Protection Ordinance as it Relates to the Floodplain)**

Mr. Mace stated that the Waukesha County Department of Parks and Land Use is proposing to adopt the FEMA Flood Insurance Rate Maps as part of the Waukesha County Shoreland and Floodland Protection Ordinance and amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance in an effort to maintain eligibility in the National Flood Insurance Program, which is administered by FEMA. The National Flood Insurance Program is intended to protect communities from potential flood damage through floodplain management and protect affected constituents within a community by making them eligible for flood insurance. FEMA requires that the County adopt the new maps and adopt language compliant with the minimum standards set forth by FEMA and by NR 116 Wisconsin Administrative Code by November 19, 2008 or the County will be suspended from the National Flood Insurance Program. If the County is suspended from the program, no new flood insurance policies may be written for constituents within the unincorporated areas of the county and all existing policies will lapse upon renewal. Most types of federal disaster assistance and mitigation grants will also become unavailable.

He stated an open house and public hearing were facilitated by FEMA and the DNR on March 6, 2007 allowing the public to discuss and comment on the proposed map changes. Following the public hearing, there was a 90 day appeal period. Six appeals were submitted and four of them were warranted. After the appeals were reviewed, a letter of final determination was written by FEMA informing Waukesha County that the maps will become effective for insurance purposes on November 19, 2008 and if the County is interested in maintaining eligibility in the National Flood Insurance Program, the maps must be adopted and the minimum text standards required by FEMA and the WDNR must be adopted by November 19, 2008 upon adoption. If an individual property owner does not agree that their property is located within the floodplain as identified on the FEMA Flood Insurance Rate Maps, that individual may apply for a Letter of Map Change (LOMC) with FEMA, which may result in an official amendment written by FEMA removing said lands from the floodplain. There are some significant changes in the Venice Beach area of the Town of Summit and they are applying for a LOMC, however there is no guarantee that an appeal will change the floodplain determination. The text amendments made to the Waukesha County Shoreland and Floodland Protection Ordinance are based on a Model Ordinance provided by the WDNR, which includes all minimum standards per FEMA and NR 116 Wisconsin Administrative Code. He introduced Senior Land Use Specialist, Amy Barrows and Asst. Corp. Counsel Debbie Price, who had worked extensively on the text amendments to present the proposed changes.

Mrs. Barrows added when the new FEMA maps are adopted, the Planning and Zoning Staff will update the zoning maps by overlaying the new floodplain boundaries on the zoning maps and either deem those areas C-1 Conservancy, EFD Existing Floodplain Development Overlay or A-E Exclusive Agricultural,

whichever category they fit within. Mrs. Morris questioned whether zoning amendments would have to be done on each of the effected properties? Mrs. Barrows replied it is part of this amendment process. By adopting the new FEMA maps, we're adopting the acknowledgement that they are floodplain areas and it is just a matter of specifying which district. Mrs. Morris asked if those people in the effected areas would be notified of the zoning change. Mr. Mace replied, "No", because it will be a County wide comprehensive change. A public hearing will be held, however individual property owners will not be noticed. It was suggested that each Town get a notice of the publichearing.

Mrs. Barrows summarized the amendments made to the ordinance as outlined in the Staff Report and Recommendation and entertained comments from the Commission.

Mrs. Haukohl asked if an area of a Town is annexed into a Village or City, what happens to our adopted maps? Mrs. Barrows replied that if the land is annexed, then that City or Village is required to comply with our ordinance, so in essence they are adopting our maps.

Mr. Siepmann asked what is the purpose of Section 38 (c) (1) (iii)? If a district boundary is incorrectly mapped, why make the landowner petition for a rezoning? Why not correct it administratively. Mr. Mace agreed with Mr. Siepmann, however he stated it is language from the model DNR floodplain ordinance and we need to be compliant with it. The regular rezoning process is required in the flood zone. Atty. Price commented this process gives protection to the landowner so the County cannot rezone his land to a low use district without a public hearing. Mrs. Barrows added when the floodplain or approximate flood plain profile changes, the information needs to be relayed to the DNR and FEMA and that process is accomplished using rezone procedures. This ensures that the appropriate agencies are notified of any changes.

Mrs. Barrows identified the addition of item No. 6 – Public Information in Section 41 (b) stating "The Zoning Administration may provide the following floodplain information, if available." Mr. Peregrine commented using the word "may" creates an arbitrary position for the Zoning Administrator, he could say I do not wish to provide this to you. He suggested changing "may" to "shall provide the following information, if available."

After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann to adopt the 2008 FEMA Insurance Rate Maps and approve the proposed amendments to the text of the Waukesha County Shoreland and Floodland Protection Ordinance as presented.

Mr. Peregrine moved, seconded by Mr. Siepmann to approve the proposed amendments to the text of the Waukesha County Shoreland and Floodland Protection Ordinance with Section 41, (b), 6 amended to read:

6. Public Information: The Zoning Administration ~~may~~ shall provide the following floodplain information, if available:

The motions carried unanimously for approval of the amendments to the text of the Waukesha County Shoreland and Floodland Protection Ordinance, with an amendment to Section 41, (b) 6 and for adoption of the 2008 FEMA Insurance Rate Maps, in accordance with the "Staff Report and Recommendation".

- **CU-121F (Stoneridge Farm Judy Greffer) Town of Vernon, Section 10**

Mr. Mace presented the “Staff Report and Recommendation” dated October 1, 2008, and made a part of these Minutes. He pointed out the location of the property at S75 W24580 National Ave. in the Town of Vernon and stated the request is to revise trailer-parking locations, allow additional signage, clarify lessons and training provided on site and allow some limited special events on the property.

Mr. Mace stated a Conditional Use Permit for a horse boarding and training facility was issued in 1971, and file notes indicate it was operating as a stable even before then. The Planning and Zoning Division Staff has recently received a complaint that the current owner is not in compliance with the conditions of his approval, particularly the parking of horse trailers. The previously approved Site Plan indicated that the horse trailers be parked on the north side of the existing residence on the property. The petitioner has not been parking the trailers in this location due to the sharp corners and steep grade they would need to maneuver to get the trailers to the approved location. This has been a particular problem in the winter, when there is ice on the slope. Instead, they have been parking on the south side of the existing barn near National Ave. However, based on the Site Plan provided and from the aerial photographs, it is difficult to determine if the road setbacks can be complied with for the horse trailer parking and the proposed new signs. A Plat of Survey is being required showing all the existing structures, the location of the proposed signage and the proposed trailer parking to ensure they can comply with road setbacks. At the public hearing, there was no opposition from the Town or the neighbors regarding the amendments to the conditional use.

Mr. Mitchell asked if the Ordinance requires landscape screening where parking abuts a residential district, why is it not being required as a condition? Mr. Peregrine and Mrs. Morris replied there is a road between the parking area and the residential district. Mr. Mace added that standard would not apply here.

After discussion, Mr. Mitchell moved, seconded by Mrs. Morris, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-08-VNT-11 (Stoneridge Farm Judy Greffer) Town of Vernon, Section 10**

Mr. Mace presented the “Staff Report and Recommendation” dated October 1, 2008, and made a part of these Minutes. He stated the request is related to the previous Conditional Use (CU-121F).

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **CU-1494 (Steve Gapp) Town of Ottawa, Section 10**

Mr. Mace presented the “Staff Report and Recommendation” dated October 1, 2008, and made a part of these Minutes. He pointed out the location of the property at S30 W36550 C.T.H. "D" in the Town of Ottawa and stated the petitioner is requesting after-the-fact Conditional Use approval for commercial truck parking

Mr. Haukohl noted there were issues in the past with junk on this property and asked if it had been cleaned up? Mr. Mace replied the property is now in compliance. She asked if the gas tanks on the property would be an issue to which Mr. Goodchild replied they are empty. He explained Mr. Gapp and his son do municipal asphalt repair and have one dump truck, an asphalt repair machine and trailer. The equipment is screened from the residence and there is a minimum of noise. As the vehicles will be stored inside, the Town has approved the request and will review the conditional use if the business grows or an issue arises.

After discussion, Mr. Goodchild moved, seconded by Mrs. Morris, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Goodchild moved, seconded by Mr. Siepmann to adjourn at 3:10 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:es